

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDWARD WALK DEAN,

Plaintiff,

CASE NO. 11-10249

vs.

HON. MARK A. GOLDSMITH

MARK SYPNIEWSKI,

Defendant.

**OPINION AND ORDER ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION AND DENYING DEFENDANT'S MOTION TO
DISMISS (DKT. 37)**

This matter is presently before the Court on the Report and Recommendation (R&R) of Magistrate Judge Michael Hlucakniuk, issued on November 21, 2012. The Magistrate Judge recommends denying Defendant Mark Sypniewski's motion to dismiss (Dkt. 37). Defendant has not filed an objection to the R&R and the time to do so has expired. Therefore, Defendant has waived any further right to contest the Magistrate Judge's ruling. See Thomas v. Arn, 474 U.S. 140, 155 (1985). In any event, the Court has reviewed the R&R and finds that the Magistrate Judge has reached the correct result for the correct reason. Accordingly, the R&R is accepted and adopted as the findings and conclusions of the Court and Defendant's motion to dismiss is denied (Dkt. 37).

SO ORDERED.

Dated: December 17, 2012
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on December 17, 2012.

s/Deborah J. Goltz

DEBORAH J. GOLTZ

Case Manager